

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, and )  
THE OSAGE MINERALS COUNCIL, )

Plaintiffs, )

vs. )

Case No. 14-CV-704-GKF-JFJ

OSAGE WIND, LLC; )  
ENEL KANSAS, LLC; and )  
ENEL GREEN POWER NORTH )  
AMERICA, INC., )

Defendants. )

**DEFENDANTS' MOTION FOR PARTIAL SUMMARY  
JUDGMENT AND OPENING BRIEF IN SUPPORT**

**EXHIBIT 1**

1                   IN THE UNITED STATES DISTRICT COURT  
                  FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

and

OSAGE MINERALS COUNCIL,

Intervenor-Plaintiff,

vs No. 14-CV-704-GKF-JFJ

OSAGE WIND, LLC, ENEL KANSAS,  
9 LLC; and ENEL GREEN POWER  
NORTH AMERICA, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF ROBIN PHILLIPS  
12 Taken on Behalf of the Defendants  
On July 23, 2021, beginning at 10:03 a.m.  
13 All Parties Appearing Via Webconference

14 APPEARANCES  
Appearing on behalf of the PLAINTIFF:

15 Stuart Ashworth  
Cathryn D. McClanahan  
16 Nolan Fields  
UNITED STATES ATTORNEY'S OFFICE  
17 NORTHERN DISTRICT OF OKLAHOMA  
110 West Seventh Street, Suite 300  
18 Tulsa, Oklahoma 74119  
918-382-2772  
19 stuart.ashworth@usdoj.gov  
cathy.mcclanahan@usdoj.gov  
20 nolan.fields@usdoj.gov  
and

21 Charles R. Babst, Jr.  
UNITED STATES DEPARTMENT OF THE INTERIOR  
22 OFFICE OF THE SOLICITOR  
7906 East 33rd Street  
23 Tulsa, Oklahoma 74145  
918-669-7730  
24 charles.babst@sol.doi.gov

Appearances Continued on Next Page

25 REPORTED BY: MARY K. BECKHAM, CSR, RPR

1           A       Yes, there was a permit that would be  
2       required.

3           Q       So if they had merely been excavating and  
4       leaving the rock or sand or gravel or whatever they  
5       had excavated in place on the ground, that would  
6       still require a permit in your view at the time?

7           A       Yes.

8           Q       Is that still your view?

9           A       Yes.

10           MR. BALL: All right. Let's go back to  
11       what was -- we looked at previously, which is my  
12       document number 2, which is depo Exhibit 76. Go  
13       back to the very first page -- strike that. My  
14       apologies. Wrong thing. Let's go to what I have as  
15       number 10.

16           Q       (By Mr. Ball) Ms. Phillips, do you see  
17       that the document on the screen, which is Bates page  
18       OW-000993, is an email from Mary Hale to various  
19       people?

20           A       I'm having a hard time reading it. It  
21       needs to be blown up.

22           MR. BALL: Okay. Yeah. If you could,  
23       please.

24           Q       (By Mr. Ball) Do you see it there?

25           A       Yes, I do.